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Strategic Implications of Piracy in Benin's Territorial Waters

by

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One of the most challenging concerns in the domain of maritime safety and security facing Benin over the last two years is piracy in the Gulf of Guinea. The strategic implication of piracy is another way to evaluate the level of future challenges posed by non-state actors to the economic, social and security aspects of a state and its evolving democratic system of governance. Because the seaport of Cotonou is the main source of revenue for the Government, piracy is a critical threat to the existence of the state. Consequently, it is in Benin's strategic interest to fight piracy in order to preserve its survival as a state. In various forums, Benin's Government has repeatedly stressed the need for a regional leadership and has called for international assistance from countries that are able to provide effective responses to piracy. Benin's democratic governance offers an opportunity to use its current leadership as a basis for US continued assistance to help the Government and other member states of the Gulf of Guinea Commission to develop a comprehensive and effective strategic response to fight piracy in the region.

Strategic Implications of Piracy in Benin's Territorial Waters

Maritime piracy is easy to define and generally refers to security flaws along the marine borders of a country, particularly through unlawful acts at sea.¹ Nonetheless, multiple organizations and authors offer differing definitions. According to Webster's Dictionary, piracy is an act of robbery on the high seas.² This unlawful act on the high seas is not only a threat to Benin, but it is also an obstacle to peace, security and stability for the countries in the Gulf of Guinea that seek to increase export revenue by developing their abundant natural resources.

Piracy is not a new phenomenon in the Gulf of Guinea. However, its frequency and negative impact on the safety, security, well-being and economies of the region has grown steadily in the first decade of the twenty-first century. The variety of each country's national interests, the peculiarities associated with the maritime environment, and the gravity of piracy requires that all stakeholders, political leaders, international organizations and the private sector work together to efficiently mitigate or reduce this challenge.

An analysis of piracy in the Gulf of Guinea shows that an increasing number of acts of piracy took place between 2000 and 2012.³ The economic fragility of the countries in the Gulf of Guinea, and Benin specifically, suggests that piracy is a major threat to social climate, national security and national economies. The purpose of this document is to diagnose the current state of piracy in the Gulf of Guinea, demonstrate piracy's strategic implications on the national development of Benin and offer a comprehensive strategic approach to reduce piracy from Benin's national waters and from the Gulf of Guinea. At the regional level, these goals may be met by the existing Gulf of Guinea Commission with the help of the United States' building partner capacity

program.⁴ For its national and strategic interests, Benin must focus its struggle against piracy by developing a comprehensive strategic approach through leadership promotion, security and maritime law enforcement and by building national and regional capacity through effective partnerships.

The Strategic Context and Piracy

The geographical area of the Gulf of Guinea extends from the northeastern part of the tropical Atlantic, with Angola to the south, and Cape Palmas in Liberia to the west.⁵ The Gulf of Guinea is formed by the convergence of the West, Central and South West coasts of Africa and covers about 250,000 square nautical miles.⁶ From West Central to South West Africa, four linguistic groups, from the former colonial, British, Spanish, French and Portuguese overlay domestic languages like Hausa, Wolof, Yoruba, cover a wide range of geological, geographical and cultural diversity in the region. Among the many rivers that drain into the Gulf are the Niger and the Volta. The coastline of the Gulf includes the Bight of Benin and the Bight of Bonny. The Niger River, in particular, has deposited organic sediments out to sea which, over millions of years, have become crude oil.

Oil production in the Gulf of Guinea is the primary reason that piracy is of wider international importance. According to the International Crisis Group's article, "Rising Piracy in the Gulf of Guinea", the region supplies around 40 percent of Europe's and 29 percent of the US's oil.⁷ New growing world economies, such as China and India, are also getting involved in the region for oil. This combination of factors makes the Gulf of Guinea one of the world's major geostrategic oil and gas exploration hot spots.⁸ Keeping these shipping lanes open, and safe, is vital for the world's oil supply and critical to the global economy.

The region is also rich in other aquatic marine resources, such as fish and shrimp, making it a major global fishery. It also possesses large mineral reserves such as aluminum, bauxite, coal, cobalt, copper, diamond, gold, iron ore, steel and uranium making it a future source that could meet global needs for raw materials.⁹ Overall, the Gulf of Guinea is a major source of revenue for the surrounding nations, of energy for the developed world, and a major lane for maritime shipping activities. This makes the Gulf of Guinea of strategic interest to the United States.

Despite this wealth of natural resources, the countries of the Gulf of Guinea continue to struggle to increase their revenues as they combat the threat of piracy. The abundant oil and natural resources could potentially be used as a source of financing to combat common threats, including piracy. Unfortunately, the weaknesses of these countries concerning security and defense systems at the national level, as well as their lack of operational coordination, not only provide an enabling environment for piracy, but encourage non-state actors to use the Gulf for drug and human smuggling, poaching, illegal fishing and small arms trafficking. In 2011, the United Nations Security Council reported four emerging threats in the area: drug trafficking, terrorism, piracy and unconstitutional change to government. The Council cited these threats as the most important obstacles to political stability and economic prosperity in the Gulf of Guinea.¹⁰

With regard to its potential, it is important to identify multiple competing territorial claims which, before piracy became prevalent, posed the greatest threat and challenge to the region.¹¹ The contested nature of the waters in the Gulf of Guinea further complicates the situation. Given the inherent distrust among the various actors due to these competing territorial claims, there may lay little incentive to cooperate if they

remain focused on their own relatively narrow interests. This condition makes it easy for any actor wishing to control the resources of an area to use piracy as a tool to disrupt his competitors. In other words, states or non-state actors can use piracy as a means to achieve a political objective. Future wars in the Gulf of Guinea could result from piracy activities, presenting new threats to national and regional peace and security.

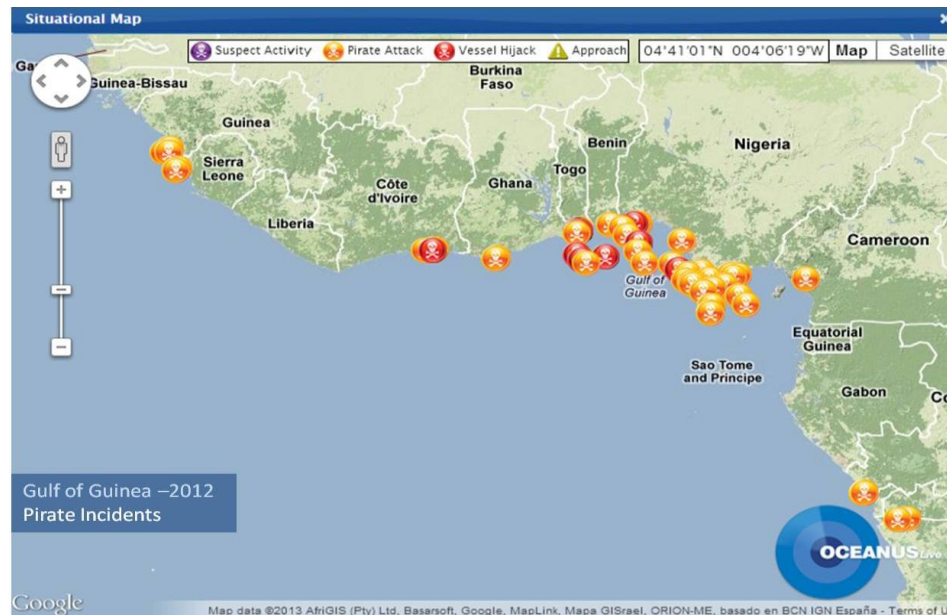


Figure 1: Map of piracy incidents in the Gulf of Guinea region¹²

This research focuses on the strategic implications of piracy as a common challenge to all governments in the area and suggests solutions within the Gulf of Guinea Commission (GGC), as a sub regional organization, and the US, as an international partner. The GGC is composed of the eight countries of Angola, Cameroon, Gabon, Equatorial-Guinea, Nigeria, Republic of Congo, Democratic Republic of Congo and Sao Tome and Principe.¹³ Even though Benin is part of the geographical area, it is not a member of the GGC. While the governments within the GGC attempt to meet their common challenges through lateral and bilateral cooperation, tensions arise over issues of nationalism, sovereignty and regional

leadership roles. These tensions have caused intergovernmental challenges, a regional environment of rising nationalism. Rising nationalism implies sovereignty, culture clashes and leadership conflicts among key countries in the Gulf of Guinea. Such an ambiguous environment complicated by territorial disputes exists between Angola and the Democratic Republic of Congo,¹⁴ between the Republic of Nigeria and the Republic of Cameroon,¹⁵ and between the Republic of Gabon and the Republic of Equatorial-Guinea.¹⁶

As stated before, piracy is a major threat to oil and natural resource exploitation, scientific research, and environmental protection in the Gulf of Guinea. The natural resources and geostrategic potential of the Gulf of Guinea cannot be fully exploited due to the existing weaknesses in the maritime environment. The overall potential of the Gulf of Guinea is undermined by domestic, regional and international threats and challenges. These vulnerabilities exacerbate political instability and poor socio-economic conditions. The inadequate military capabilities of the region's states exacerbate the situation, making it difficult to achieve a calculated relationship between ends, ways and means that would efficiently combat piracy. In such a volatile, uncertain, complex and ambiguous environment, Benin has developed a national initiative and expertise that can be used to draft a regional response to combat piracy off the coast of the Gulf of Guinea.

Benin and Piracy

The Republic of Benin, a maritime country, has a 125 km coastline on the Gulf of Guinea. Its Economic Exclusive Zone (EEZ) is about 46,000 square kilometers. This area constitutes a national endowment and is of vital importance for Benin's national economic and social development. Benin is a democratic country of which the people,

the government and the military are key elements for national development.¹⁷ The values, interests and purpose of Benin's national policy are defined by its constitution, and the government's responsibility is to ensure the security of its people and to promote the values of democracy and the growth and prosperity of Benin's economy.

From the perspective of Benin's government, the seaport of Cotonou constitutes a vital national interest. Cotonou is crucial to commercial ties with Europe, America and Asia. It is also critical to the economic activities of the landlocked countries of Niger, Mali, Burkina-Faso, Chad and Northern Nigeria. The outgoing or incoming main agricultural production and raw materials for Benin, and hinterland countries, are all shipped through Cotonou. According to the data from the Ministry of Defense, the income generated by the port is considerable, accounting for 70% of Benin's Gross Domestic Product, 80% of its national tax revenue and 90% of its foreign exchange.¹⁸ The importance of Cotonou to Benin's economy is further illustrated by the fact that Benin focused U.S. assistance toward enhancing the capability of the seaport of Cotonou through the Millennium Challenge Corporation (MCC) program during George W. Bush's presidency.¹⁹ The first part of this project took into account the domains of justice, land management and seaport infrastructure. The second part, signed in 2012, focused on the goals of the Benin government to modernize Cotonou's seaport infrastructure, cargo handling capabilities, doubling the length of the port's sand-stopping barrier and enhancing overall port security.²⁰



Figure 2: Benin's Position in the Gulf of Guinea.²¹

In the last two years, the government of Benin acknowledged piracy as both an economic and a security challenge. The phenomenon of piracy adversely impacts employment, business and social activities among the population. When acts of piracy take place and disturb the activities at the seaport, employment is impacted. Ship owners change their destinations to other seaports and insurance companies increase their rates. The major part of Benin's youth population is employed by the seaport in Cotonou. Most of these jobs are related to trade, transit, driving, private security and other small business. Such employment contributes to the maintenance of social stability and public security in Cotonou, the largest city of the country. These actions disproportionately impact Benin given Cotonou's dominating position within Benin's economy.

The financial loss caused by piracy in the Gulf of Guinea is a big issue. This issue will inflict a devastating blow to the economy if piracy is not stopped. Governments, business and investors are rightfully concerned. A regional economic reporting service, Article Directory, reported that:

Piracy caused insurance rates to soar. London-based Lloyd's Market Association, an umbrella group of leading maritime insurers has listed Nigeria, Benin and nearby waters in the same risk category as Somalia. The countries of the Gulf of Guinea are losing US\$2 billion annually to maritime crime, with smuggling, piracy and illegal oil bunkering top on the list.²²

According to the Navy Chief in Cotonou, there was a 70% decrease in maritime traffic to the port in the third quarter of 2011 because of the higher insurance costs triggered by piracy.²³ The costs of piracy in the Gulf of Guinea region from stolen cargos, higher insurance premiums and security costs are estimated to reach \$2 billion each year, compared with \$7 billion from Somali piracy.²⁴ Consequently, the economy, the security and the social environment of Benin are at risk.

The strategic threat of piracy led the President of Benin, Dr. Boni Yayi, to call for international help from Nigeria²⁵ and the United Nations²⁶ to join the Benin Government's effort to combat piracy in its national waters. In a letter to the General Secretary of the United Nations, President Yayi pointed out the negative consequences of piracy and drug trafficking on the economy of Benin. He called upon the United Nations to consider the possibility of establishing a mechanism to combat piracy in the Gulf of Guinea similar to the anti-piracy regime currently in place off the coast of Somalia.²⁷ That is why it is essential for Benin to become a pivotal part of the Gulf of Guinea, whose countries share the same common threats in the domain of maritime

security. It is also vital to Benin's development to consider the implications of piracy in the region due to its own economic interests.

Strategic Implications of Piracy for Benin's National Development

Many studies have been conducted on piracy in the world, in Africa, and in Benin. The implications of piracy at the strategic level for Benin's national development are discernible, particularly within the domains of politics, economics and security. The attentiveness of the international community to Benin and the region in this crisis is clear and understandable. Due to the lack of effort to understand the real origins of this piracy, and to identify the roots of the problem, piracy suppression efforts are not successful and the vulnerabilities persist.

When reviewing the specific context of piracy in Benin's coastal area, Chris Trelawny, Deputy Director of the Maritime Safety Division at the International Maritime Organization (IMO), suggests that most of what was going on in West African waters is not really piracy within the meaning of the international conventions. He states that "Piracy is defined as happening outside the jurisdiction of any state', so outside 12 miles is piracy. If it is inside 12 miles it is classified as armed robbery against ships."²⁸ Therefore the difference in definition is jurisdictional. Piracy is a universal crime and states have an obligation to intervene. But inside 12 miles it is the coastal state's responsibility."²⁹

It is clear that what is being called piracy in the Gulf of Guinea is very different from piracy off the East African coast. In many cases piracy in the Gulf of Guinea centers around illegal oil industry activities in connection with non-state actors, such as ship owners, insurance companies and pirates. The incidents between pirates, tankers and ships owners is aimed at taking control of the ship and selling its oil, or other

merchandise, on the black market. This black market is the basis of an economy in which the local government and population are illegally involved. Most recently a French-owned Luxembourg-flagged tank with 17 crew members was hijacked by Nigerian pirates, as reported by to the International Maritime Bureau (IMB).³⁰ According to Noel Choong, head of the IMB's piracy reports division based in Malaysia, "it appears that the Nigerian pirates are spreading. All of these vessels were tankers carrying diesel fuel. They are all taken back to Nigeria to siphon off the oil then the crew is freed." ³¹ Thus, the kind of international naval deployment used against Somali pirates is unlikely to help because this is not "high water" piracy.

This complexity makes piracy difficult to solve, which exacerbates its strategic implications for a new democratic government, such as Benin, which is seeking to enhance the liberty, human rights, economic prosperity and security of its people. Solving piracy requires a balance of power between the people, the government and the military to develop a lawful use of the instruments of state power through legal codes and equipment capacity to face this challenge. As previously stated, President Yayi considers dealing with piracy of vital importance for the state. Benin is unique in the region because the State does not gain revenue from oil exploitation and is threatened by pirate activities which are scaring shipping away from the port of Cotonou on which the country's revenues depend. Benin's current President's desire is to promote good governance and develop formal and legal economic activities for its population. The strategic implications of secondary effects of piracy on Benin's democratic development affect three domains: economic, social and domestic security, and political.

Economic Implications

It is clear that because of the frequency of piracy activity in Benin's maritime coast, there is reduced revenue from seaport activities for Benin's national treasury. This affects Benin's government in two ways. First, there is the loss of income from port fees as ships are re-routed to other destinations. Second, Benin is prevented from raising revenues due to its incapability to exploit natural resources including fishing activities in the Gulf of Guinea. The local population involved in traditional fishing activities has complained about security due to the risks of piracy attacks.

Benin's former Defense Minister, Dr. Issifou Kogui N'DOURO said that "his country depended largely on fees raised from that port. Indeed, it generated 70 percent of the country's gross national product and 80 percent of the income for the national budget; it also accounted for 90 percent of the trade."³² Detailing what he called the tragic effects of piracy on development in his country, he said that since the first attack off Benin's coast, the number of vessels entering the port has dropped by 70%, causing the revenue essential for the State's functioning to drop 30% at a time when Benin was relying on dividends from major investments recently undertaken by the government and international assistance through the International Monetary Fund (IMF)³³ and the World Bank (WB).³⁴

Regional piracy attacks have been on the rise for several years, especially following the 2009 amnesty of members of the Movement of the Emancipation of the Niger Delta (MEND).³⁵ In August 2011, maritime insurers in London added the waters of Benin to a list of areas perceived as a high risk due to increased pirate attacks in the Gulf of Guinea.³⁶ According to the International Maritime Bureau, there were 32 piracy incidents recorded off the coast of Benin in the first half of 2012, up from 25 attacks

reported in 2011.³⁷ Regardless of the precise number of pirate incidents, piracy is inflicting significant damage on the economic system of Benin and of the region. Overall, the costs of piracy in the Gulf of Guinea both from stolen cargos and higher insurance premiums and security costs are estimated to reach \$2 billion each year.³⁸

The nations of the Gulf of Guinea depend on international trade for their supply of various finished products manufactured in other parts of the world and for the commercialization of their raw materials. Thus, shipping is a strategic gateway to integrate international markets and develop national economies. Piracy effectively closes this gateway through increased maritime insurance costs and declining customs and port revenues because ship owners tend to avoid the region.

Another economic impact of piracy is the inflow of 'offline' money for corrupt purposes. The money earned from piracy creates a second illegal economy that the state cannot tax or access through regulation. In the Gulf of Guinea, states are economically interdependent. Individual national prosperity cannot be achieved independently from other states. Within this context, economic problems in one state inevitably affect other states. Coordinated action is necessary due to piracy's links to other forms of organized crime such as drug trafficking, poaching, sea robbery, illegal bunkering and crude oil theft, pipeline vandalism and sabotage. That is why it is important to point out the strategic deals between some insurance companies, ship owners, pirates and illegal finance groups who benefit from the security system's vulnerability. These deals undercut the legitimate economic viability of the state.

However, the economic costs of piracy also have an impact elsewhere. The multiple consequences of piracy in the Gulf of Guinea affect the main activities of

seaport businesses, diminish state revenue and increase the opportunities for organized and transnational criminals with economic power to take effective control of the state via corruption. That is the example of Guinea-Bissau.³⁹ This means piracy has a social impact on the state and the domestic security of its people.

Social Impact and Domestic Security Implications

The economic impact of piracy has serious ramifications for the social and domestic security of Benin. Low revenue for the state means less investment in social programs. As result, there is an increasing crime rate. In 2008, two bank attacks at Dantokpa's market in Benin were perpetrated by pirates using speedboats.⁴⁰ There is constant civil unrest from unsatisfied people. The Teachers Union and Finance workers Union stopped working and challenged Benin's government about the lack of money.⁴¹ This protest can be considered an outgrowth of Benin's loss of revenue to piracy.

In terms of domestic security, the growth of piracy in the Gulf of Guinea is a source of wider insecurity and is a challenge to state institutions. Piracy means increased insecurity for ships, offshore oil exploitation, fishing activities and scientific research. It increases related criminal activity such as arms, drug and human trafficking among the population. According to United Nations Office on Drugs and Crime (UNODC), 202 kg of heroin and 405 kg of cocaine were discovered in June 2011 at the port of Cotonou.⁴²

The waters of the Gulf of Guinea have become increasingly risky because of the nation's weak maritime and overall law enforcement capability. This has led former Movement of Emancipation of Niger Delta (MEND)⁴³ rebels, turned pirates, to shift their operations away from Nigeria's comparably better patrolled waters.⁴⁴ Despite the maritime boundary disputes with Nigeria, it is easier for pirates to operate along the less

well secured coast of Benin. Benin's naval forces are not frequently engaged in maritime patrols. In another example, armed pirates attacked a tanker on September 14, 2011 kidnapping 23 sailors off the coast of Benin, about 62 nautical miles from Cotonou. The pirates sailed to an unknown location and released the crew unharmed ten days later after having unloaded its cargo oil. Benin's underequipped naval patrol forces were hours away and powerless to intervene. It is dangerous to Benin's prosperity if pirates continue to challenge Benin's national security and defense forces.

The biggest strategic challenges of the piracy crisis are the erosion of state authority coupled with the increasing influence of non-state actors such as insurers, owners, shippers and pirates. These actors are allegedly involved in the illegal oil industry and the black market of Nigeria and Benin.⁴⁵ This situation directly affects the ability of the state to shape the national security environment for the population and maintain the overall political and economic legitimacy of the official governmental institutions. In fact, non-state actors can take control of the organs of the state by financing piracy in the Gulf of Guinea. They gain this control because of the profit they make out of piracy and the black market oil industry.⁴⁶ Non-state actors use this revenue to buy and corrupt officials in order to increase their business. The case of Guinea Bissau is an example of such corruption in which the weakness of the state security and defense systems permits organized criminal groups to control the economic system and influence political power.⁴⁷ The urgency of the struggle against piracy creates a volatile, uncertain, complex and ambiguous environment for Benin's policy makers. All the above factors directly impact the state's ability to govern itself by enhancing the self-empowerment of criminals and other non-state actors.

Political Consequences

As mentioned before, the decrease of Benin's revenue in seaport activities endangers the national treasury and impacts the social and security effects of criminality. It endangers Benin's economic base, Benin's effective sovereignty and the continuation of Benin's peaceful democratic system. The government cannot find the financial resources to face this challenge. Non-state actors became important, and wealthy, by creating mutually beneficial connections between themselves and some insurers, shippers and business men, all of whom profit from piracy.⁴⁸ In the future, these actors could come to control the political system and run for election because of the money earned from illegal and criminal networks.

The political issue in Nigeria with MEND rebel activities is an example of the second and third-order effects. Amnesty largely served to benefit the MEND leadership, leaving those in the lower ranks desperate for economic opportunities and open to recruitment for piracy operations. The armed branch of the MEND, an independent criminal gang implicated for piracy, is composed mainly of former Nigerian rebels who joined the criminal ranks following this amnesty in Nigeria.⁴⁹ The political environment in Nigeria is a significant contributing factor to the rise in piracy in the Gulf of Guinea.

Meanwhile, pirate attacks in the Gulf of Guinea frequently target tankers, as well as oilfield service and support vessels. Piracy in this area has escalated over the years from low-level armed robberies to hijacking, cargo thefts and large scale robberies. Unlike piracy in the Horn of Africa, pirates in the Gulf of Guinea have not yet sought to obtain ransom payments. They often take hijacked tankers to another empty tanker to collect its siphoned fuel for sale on the black market in Benin and other countries in the Gulf of Guinea. The original vessel is then brought back and released.

A report carried by the Associated Press quoted Bergen Risks Solutions, a Norway-based consultancy, “our investigations indicate that the organized group responsible is based in Nigeria and has high-level patronage in that country.”⁵⁰ It also said prominent Nigerians have often been accused of involvement in the lucrative black market for oil and fuel. This cargo, Bergen suggests, has been sold in: “Several West African ports, possibly including Abidjan in Cote d’Ivoire and Port Gentile in Gabon.”⁵¹ According to Dr. Assis Malaquias, Academic Chair for Defense Economics of the Africa Center for Strategic Studies (ACSS), “Pirates are a serious and growing problem off Africa’s West Coast, where a dangerous upsurge in vessel-based marauders is being fueled by a wealth of crude oil and cargo in transit. Gulf of Guinea piracy is the organized, sometimes highly sophisticated, illicit taking of oil.”⁵²

In a democratic system, the relationship between the government and its people can fall out of balance due to the inability of the leader to protect the people and help solve their problems. The risk of friction and the consequences of tension between the government and the people can create social disorder and insecurity. Such a political situation could oblige the military to intervene in political affairs, as in some countries in West Africa, despite the African Charter on Democracy Elections and Governance.⁵³ Most notable is the example of Guinea Bissau where the double murder of the President and the Army Chief of Staff were the impetus for political instability.⁵⁴

Benin’s Current Response

According to the United Nation’s International Maritime Organization, “21 incidents of piracy were reported in Benin’s coast in 2011.”⁵⁵ However, while this number of incidents may seem low, one of the defining features of West African piracy

is its considerable under-reporting. Most analysts believe that the level of attacks is significantly higher than is officially reported.⁵⁶ Many of the coastal countries are loathe to admit that piracy is taking place in their national waters.

As a result of the President of Benin's request for international help, the United Nations Security Council passed Resolution 2018 against piracy in the Gulf of Guinea in 2011.⁵⁷ With regard to bilateral cooperation between Nigeria and Benin in the joint maritime patrols, the program could benefit enormously if it gained access to enhanced surveillance systems, additional patrol boats, better maintenance capability, and creating coordination centers and information sharing. The Army of Benin organized a joint patrol with Nigerian Naval Forces⁵⁸ in Benin's national waters and conducted joint exercises through AFRICOM's African Partnership Station (APS) initiative with other regional armies in the Gulf of Guinea.⁵⁹ However, Benin's armed forces lack the operational capacity and financial resources to engage in a persistent planned campaign for maritime security. In other words, Benin's navy, air force and gendarmerie, due to weaknesses in equipment and professional training, are not efficiently coordinated and centralized for best result on the sea as well as on the ground.

In Benin, like elsewhere in the Gulf, the oil industry is one of the main lures for piracy. These two major economic activities are consistently linked to Benin's coast and together make up a well-financed criminal phenomenon, a parallel industry with a well developed supply chain and growing sophistication.⁶⁰ Tony Attah from Nigeria said at Chatham House that "we are aware that over 1,000 illegal refineries have been destroyed through the efforts of navy, and a number of tankers full of stolen crude have

been seized in high profile raids, but despite the increased focus to date, we are not aware of a single thief being prosecuted or convicted. The big barons behind this criminality walk free.”⁶¹ This illegal industry incorporates trained engineers who weld valves to high pressure pipelines, boatyards which construct and supply barges, good tactics, equipment, intelligence and modus operandi. These illegal activities are not covered entirely by Benin’s defense and security system in its national waters, unlike Nigeria’s Navy. For example, aerial reconnaissance can help to identify the supply chain stores. Thus, if the security forces in Benin were well trained, protected and equipped to investigate; they could prioritize their investigations or operations among the main actors of the illegal oil market industry in Benin to reinforce the Benin-Nigerian joint maritime patrols.

The weaknesses of the security and defense system of the countries of the Gulf of Guinea, and the lack of cooperation between them, permits criminal networks to diversify their activities and gradually extend them to include political objectives. In Benin, the role of the Police and Gendarmerie is difficult to manage, since their missions encompass the support of law enforcement, the conduct of intelligence sharing, criminal investigations of piracy organizations and networks, non-state actors or private sector and other security forces. Benin’s security forces need training, equipment and the legal authority to investigate the criminal networks in order to support the fight along with Navy patrols.

The complexity and ambiguity of this environment is detrimental to the success of investigations in the domains of piracy and transnational criminality. That is why it will be useful to implement the organizational leadership skills needed to impact the

mentality of security forces. This may change the perceptions of the people and convince them to join in a comprehensive approach to fight piracy in the Gulf of Guinea. This initiative means a better professionalization for security forces in charge of investigations and the control and surveillance of counter-piracy activities, not only in Benin's EEZ, but also amongst the local population and regional community.

Due to the lack of financial resources, it is difficult for the government to defend its democracy, its values and its interests and solve this challenge alone. The government of Benin cannot effectively exploit its oil resources in the Gulf of Guinea and find money to protect its coastline. The country needs financial resources and international help to fight piracy off the Gulf of Guinea. For these reasons, Benin's government developed a National Maritime Safety, Security and Protection Strategy. This strategy is very good as it is a way to preserve and maintain state action on the sea. But Benin's government needs the financial resources, combined with intelligence and security assistance cooperation, to efficiently implement this strategy. The US is a key partner that must play a substantial role in the security and law enforcement assistance to Benin to combat piracy in support of mutual interests in the region.

Role of the US

The stability of Benin's democracy and economic prosperity provide valuable opportunities to improve the relationship between the US Department of Defense and Benin's Ministry of Defense. The US has an important role to play in Benin's fight against piracy through its leadership, experience and ability to build trust among the countries of the Gulf of Guinea. Due to the strategic implications of piracy in the Gulf of

Guinea, Benin's authorities need a strong and ready partner to help face this crucial challenge to its economy and the preservation of Benin's values and interests.

The U.S. Department of Defense and Benin's Ministry of Defense should enhance cooperation and intelligence sharing with Benin's Army to face new challenges in the Gulf of Guinea. However, as pointed out earlier, the security issues in the region cut across multiple states. That is why a comprehensive security approach by states in the Gulf of Guinea will help to solve the problem with strong leadership and improvements under good governance. The optimization of training, the acquisition of material and a selective modernization of equipment must be aimed at allowing Benin to maintain an effective military presence in the Gulf of Guinea in support of itself and greater regional cooperation.

The need to enhance maritime security in the Gulf of Guinea was one of the main objectives behind the combined exercise tagged "Obangame Express 2013" with United States Africa Command (US AFRICOM).⁶² The context of piracy in the Gulf of Guinea is an area that is insufficiently understood when compared with Somali piracy. Military naval operations cannot efficiently protect countries against piracy in the Gulf of Guinea. The threat is not military in nature but a human security problem. The link between pirates, ship owners, insurers, business men and criminal intelligence groups is crucial to understanding the environment, the problem and to developing a strategic approach to prevent pirate attacks upon vessels. The implementation of an organization in Africa, such as the United States' Joint Inter Agency Task Force South, will be very useful for enhancing civilian and military cooperation to fight piracy. While military operations are useful, the role of the US is to assist the region in developing a strategic approach to the

problem coupled with intelligence sharing, security and maritime law enforcement. This will significantly help the countries in the Gulf of Guinea to shape the environment in a way that gets to the root causes of this phenomenon in which the population and non state actors are primarily involved.

Developing a Comprehensive Approach to Combat Gulf of Guinea's Piracy

The strategic implications of piracy in the Gulf of Guinea for the global economy necessitate the need to address the security challenges in Benin. A comprehensive approach needs to be applied to reduce piracy along Benin's coast by combining all the instruments of national power (Diplomacy, Information, Military, and Economy). Political leaders, civil society and military leaders have to work together through a constructive civilian and military relationship.

Politically, Benin's democratic system offers an opportunity to leverage the current President's leadership as a base to help Benin's government and members of the GGC to develop a regional strategic response to better balance the relationship between the ends, ways and means available to fight piracy. As part of this, it is the responsibility of Benin's authorities to increase, at the national level, the national capacity to efficiently face piracy. This will permit the development at the regional level of a comprehensive strategic approach to promote organizational leadership, maritime law enforcement and criminal investigation policy. Then Benin can build a new partnership with the US Department of Defense to tackle piracy off Benin's coast and within the Gulf of Guinea. This comprehensive approach needs to focus on modernizing counter-piracy laws, strengthening capacities for maritime law enforcement and criminal investigation, supporting national and regional intelligence networks and increasing knowledge sharing with civil society organizations.

Promotion of a Regional Leadership

Strong political will and national ownership are vital parts of an effective strategy. Leaders and citizens must demonstrate commitment to address corruption and implement comprehensive strategies. Given the transnational character of piracy threats, this political will must also be expressed regionally through the GGC. In this vein, countries in the GGC must be willing to cede sovereignty concerns to advance regional solutions in this regard.

Due to its strategic interest, Benin's government must take the lead in dealing with the problem of piracy in the Gulf of Guinea for two main reasons: First, its national economy is dangerously affected and Benin needs financial resources to implement its national strategy to fight piracy and develop the country. Benin does not base its national budget on oil exploitation revenue to share with its population, but other countries in the GGC do.⁶³ Second, Benin needs to take the lead to generate a common vision regarding security challenges in this region rich in oil resources and minerals.

Benin's head of state has gained a rich experience in consensus building as the former President of the African Union Commission. He can take advantage of his leadership to balance both Benin's national interest and the interests of the other member states of the GGC. In the Gulf of Guinea, states must have a common security objective, or End, in the comprehensive strategy against piracy. Unfortunately, uncoordinated initiatives, conflicts of interest, duplication of effort and undue rivalry amongst the various stakeholders over time have prevented regional cooperation.

A common framework will be more effective in dealing with piracy. In order to build a common vision, it will be important to build consensus, generate political will, and incorporate civil society for a better civilian and military relationship between the

states. The concept of common heritage needs to be established for nations that are pooling resources for the benefit of their people. This common vision will help lead to changes in the mentality and perceptions of common interests leading to strategic dialogues between stakeholders in the GGC. This initiative will also heighten public awareness among the stakeholders to encourage a better regional political commitment to mobilize national and regional financial resources to combat piracy. It is important that each state is convinced of the necessity for shared advantages to predominate instead of insisting on self-serving notions of statehood and sovereignty. Therefore, it is useful to expand the membership of the GGC to include all of the coastal countries from Angola to Liberia. This will increase the success of the fund raising, financing regional materials and equipment acquisition processes.

This is a new domain of cooperation for Benin's diplomacy. As of today, Benin is not yet a member of the GGC. Benin's diplomacy must take the opportunity presented by the phenomenon of piracy in the Gulf to become part of this sub-regional organization and promote a regional strategy against piracy. Benin's political stability, example of democracy and good governance are key factors favoring this political objective. These conditions will help Benin be the neutral party who can overcome mistrust within the GGC. In addition to joining the GGC, Benin can take a lead role in reviewing the definition of piracy according to the context of the region.

Security and Maritime Law Enforcement

Martin N. Murphy, in his book *Small Boats, Weak States, Dirty Money*, suggests seven factors that create the foundation for successful and active piracy.⁶⁴ The legal and jurisdictional factors are of most concern to the GGC.⁶⁵ With regard to international law, piracy is addressed in the 1982 United Nations Convention on Law of the Seas

(UNCLOS III). The convention provides the legal basis for nations to take action against pirates in international waters and areas outside the legal jurisdiction of any other state. In this way, UNCLOS allows every state to apprehend, arrest, and prosecute pirates and seize their property.⁶⁶

The need for a common legal framework against piracy in the Gulf of Guinea also finds its main strength within the jurisdictional issues as stated before. Even if the definition of piracy was clear among the countries of the Gulf of Guinea, the lack of a common jurisdiction remains a challenge. If, for Benin's government, all attacks in national waters are considered piracy, the international legal jurisdiction to deal with pirates contradicts Benin's interpretation of piracy. Benin sees piracy as a universal crime and states must intervene according to international conventions.⁶⁷ Consequently the "definition" or "jurisdiction" for pirate activities must be clarified by the main actors.

Benin's government is aware of this ambiguity and has held two regional workshops on maritime security in Cotonou in order to find a regional approach to this issue. The first one, held in November 2006, concluded with the adoption of an action plan that was agreed to by each of the 11 participating Gulf of Guinea nations.⁶⁸ The second one was a workshop in November 2011 that helped Benin authorities to develop a maritime strategy and promoted a framework harmonization with civil society and military leaders at the local level.⁶⁹

Another component to reinforce security and maritime law against the phenomenon of piracy is to facilitate the integration of civil society in the Gulf of Guinea. This integration must focus on education in order for civil society to defend their values and interests, protect people against human right violations and other criminal activities,

informal trade and business. Civil society organizations can also assist with a strategic dialogue program to achieve this objective for the population. The strategic dialogue objective is to inform the people of the state, or the regional community of the Gulf of Guinea, of the concept of common interests (oil and natural resources) and common challenges or risks (piracy, transnational criminality, illicit oil bunkering).

Civil society organizations can use the African ways of mediation to influence the main actors and heighten public awareness in this phenomenon. The assertion of “African solutions to African problems” is a traditional means of applying diplomacy to solve a problem through mediation in conflict or crisis on the African continent. This initiative can be used to deal with the non-state actors involved with the piracy activities. The owners, the shippers and the insurances are informed, trained and sensitized on the legal framework and the national maritime strategy to deal with acts of piracy along Benin’s maritime coast.

Pirates that are arrested by the security forces are also incentivized or treated to respond and cooperate with Benin’s Gendarmerie to enhance criminal investigations. The Gendarmerie can investigate and apprehend other members of criminal organizations who profit from the increase in piracy in Benin and within the countries of the Gulf of Guinea. Intelligence sharing and financial investigation missions can be used to identify who piracy is enriching within the population. These investigations need a cooperative agreement among the states and an intelligence coordination center to cover all aspects of the human dimension in criminal investigations. For example, Benin’s government needs to cooperate with other security systems and use its national intelligence system as an instrument of power to facilitate the tracking of illegal funds

transfers and illicit financing activities related to the oil industry. This system needs to specialize in the domain of illegal oil funds transfers, illicit financing activities, and informal trade and business.

Pirates in the Gulf of Guinea do not come from other continents. They are living within the population and are developing corrupt networks of officials, business men, insurers and ship owners. Any attempts to shape the environment of these criminal networks leads to some key questions. Where are their bases of operation? What is their *modus operandi*? What are their relations with civil leaders or military authorities in Benin and the sub region? What is the perception of the people of the Gulf of Guinea about piracy activities? What should the destination of pirates be after their arrest? The answers to these questions show the need to focus on security and law enforcement in the domains of intelligence and transnational criminal networks investigations.

The Deputy Executive Secretary of the Gulf of Guinea Commission, Ambassador Florentina Ukongo, said that “with the right combination of efforts to achieve a common legal framework for the arrest and prosecution of criminals, adequate financial investment and capacity building, piracy can be reduced to a bare minimum.”⁷⁰ Such an approach would help to combat piracy in Benin and in the Gulf of Guinea through security and maritime law enforcement efforts and through the union of the population, local communities, and civil society organizations against this threat.

Building a New Partnership Capacity

Building Partnership Capacity (BPC) is a means to create a favorable environment in which a country may develop its own competencies and skills to face a situation or a new challenge. Benin is looking for effective partnerships, being well aware that it cannot fight piracy alone. So Benin’s government needs an umbrella that

can help its leadership to implement its maritime strategy with regard to its national interests. According Benin's Minister of Defense, the government of Benin expended more than \$1 billion of its national treasury to fight piracy in 2011. The funds paid for infrastructure and equipment, such as a semaphore and the purchase of three new OCEA-Built 32m coastal patrol craft.⁷¹

However, according to the Navy Chief, Benin needs more than \$10 billion to implement the maritime strategy to face and monitor this challenge along its coastline. To attain this objective Benin should negotiate and implement a Memorandum of Understanding (MOU) with the US Department of State and the Department of Defense to support the implementation of its maritime strategy. This would mean aligning Benin's current security assistance programs with the maritime strategy. This MOU should identify short, mid and long-term plans to combine the efforts of Benin's naval and gendarmerie forces through training, equipping, infrastructure, aerial reconnaissance, communication and intelligence sharing in a seamless joint operation.

The short-term plan is a national program whose objective needs to enhance the relationship between the US Department of Defense and Benin's Ministry of Defense concerning the strategic approach to push piracy out of Benin's maritime territory. This program is based on appropriate training, equipment, joint exercises, and is supported by security cooperation and intelligence sharing activities. The main financial resources are provided from Benin's national treasury.

The opportunity to offer the chance for USAFRICOM to install the African Partnership Station's base in Benin will be beneficial for the diplomatic relationship and military cooperation between the two States.⁷² For instance, USAFRICOM would

continue working with Benin naval forces, and other naval forces in the region, through its Africa Partnership Station initiative. The financial contribution of Benin's Government in this new approach with the MOU would allow Benin's Gendarmerie, Air Force and Navy to take advantage of all the training, equipment and learning. Maximizing this capability requires a combination of Inshore Patrol Craft, Seaward Defense Boats, Corvettes, Maritime Patrol Aircraft and Helicopters. These forces will maintain a dissuasive, preventive and persistent engagement in Benin's territorial waters. The US Department of Defense and Benin's Ministry of Defense should create a Joint Task Group to study a way to implement Benin's maritime strategy for the benefit of both the US and Benin's strategic interests. This can be expanded at the regional level to include the Defense Ministers of the states of the Gulf of Guinea.

In Benin, the Gendarmerie, which is part of the Army, needs to create a specialized detachment for security and maritime law enforcement called "Maritime Gendarmerie."⁷³ Using the concept of Law Enforcement Detachments from the US, this gendarmerie unit will support Benin's naval forces in the domain of security and maritime law enforcement activities, such as intelligence, criminal investigation and prosecuting acts of piracy.⁷⁴ The effectiveness of the bilateral cooperation between Benin and the US to reduce piracy from Benin's coast could be a step in building the foundation for a regional program through the GGC.

The mid-term plan consists of a regional program with the US Department of Defense and the Gulf of Guinea Commission. This program emphasizes the creation of a Coast Guard in each state in the Gulf of Guinea using common doctrine for training, equipment, and conducting regular joint exercises. The program would be based more

in security, maritime law enforcement, and intelligence sharing according to the specific context of piracy in this area. An African force trained like a Coast Guard would be able to protect the region from piracy and also conduct other operations, like EEZ control, deal with illegal fishing, human trafficking, and the black market oil industry. It will be supported through regional security cooperation and sharing of intelligence with other partners involved with natural resource exploitation in the Gulf of Guinea. Benin's military forces would benefit from training with a partner military, such as the US. This training would help re-organize and shape Benin's military to enhance professionalism. For example, the US Coast Guard can help the naval forces of the countries in the Gulf of Guinea to organize themselves along similar lines. Thus, the US will be able to maintain a dissuasive and preventive presence in parts of the area in collaboration with navies of all the countries of the GGC.

The financial contribution of the GGC will permit sustained naval operations, aerial reconnaissance and bolster the security presence and effectiveness of regional Coast Guards. The main financial resources to apply this regional strategy can come from contributions funded by the oil exploitation of each state in the GGC. Each state of the GGC must share its revenue from the exploitation of oil production and natural resources to finance a national and regional strategy against piracy in the Gulf of Guinea. This would be based on a comprehensive understanding of the potential challenges to everyone's national economies. Thus, the financial assets could be allocated to the fight against the common challenges of piracy, for example, through the Gulf of Guinea Energy Security Strategy.⁷⁵ This comprehensive approach supports the idea of "African solutions for African problems."

Therefore, a national and regional legal protocol is needed to authorize Benin's naval forces to enforce laws and have a strategy in such cases as when the mission of counter-piracy or other law enforcement tasks is specifically given to the navy. For example, the African Maritime Law Enforcement Program (AMLEP) initiated by the US Department of Homeland Security helps to detect and deter illicit activities in the Gulf of Guinea.⁷⁶ However, piracy is a new threat that needs a specific strategy among security forces. Elements of such a strategy must include human resource development, maritime law enforcement, security, and cross border coordination, regional financing links, and through research into the nature of the non-state actors involved in this phenomenon.

The long-term aspect of this program works in tandem with an international program to integrate the US, the UN and the international community's assistance. This program needs to focus on an international view of piracy and adjust its definition to the context of this phenomenon in the Gulf of Guinea. The program will develop a comprehensive approach to solve new challenges with training and equipment, and by implementing multilateral cooperation with the United States of America (USA), the North Atlantic Treaty Organization (NATO), the European Union (EU), the United Nations (UN) and the other technical partners of the GGC. Leaders in the Gulf of Guinea Commission must develop a long-term maritime strategy that will articulate a multilayered, long term common vision and comprehensively address aspects of diplomacy, information, military and economy, relating to financing the fight against piracy.

The main resources to finance this activity come from the international community through the United Nations. The International Maritime Organization (IMO), in collaboration with the Maritime Organization for West and Central Africa (MOWCA), has developed a Sub regional Integrated Coast Guard Network (SICGN) for West and Central Africa to share information and improve international cooperation.⁷⁷ The international community, through the UN, can support this initiative through funding and help the weak security systems of states in the Gulf of Guinea to enhance their response to piracy.

The UN can finance the networking of the intelligence services of the GGC. This network will focus its activities against piracy in the domain of criminal investigations, illegal fund transfers with the illicit oil industry and black market private sectors. Criminal investigations and intelligence sharing need to be improved due to the link between pirates and non-state actors who benefit from piracy in the Gulf of Guinea. Similarly navy sea and air operations must be coupled to gendarmerie unit criminal investigation and intelligence sharing along the process. That is why the United Nations Office on Drugs and Crime (UNODC)⁷⁸ and the Inter Governmental Action Group against Money and Laundering in West Africa (GIABA)⁷⁹ need to strengthen their finance and technical assistance in the region to help civil society organizations and security forces for the implementation of a national response.

Conclusion

The Gulf of Guinea, as a maritime economic zone with huge resources, is strategically important to Benin, the US, and to the world's economy. The potential of the Gulf of Guinea is being undermined by multifaceted domestic, regional and international threats and vulnerabilities. Piracy poses significant risks to stability in the

region and especially in Benin. Through the current economic context, piracy in the Gulf of Guinea is a challenge to Benin's democracy and national interests, to the protection and the security of its people and to the preservation of its statehood. It has led to huge annual revenue loss, constrained investment and economic prospects and impeded maritime shipping activities for improved trade and commerce.

Effective national and regional security cooperation and better economic governance are required to prevent the region from becoming another Gulf of Aden for illegal, transnational and criminal networks.⁸⁰ Piracy is a major regional problem. It is compromising the development of this strategic economic area and threatening maritime trade in the short term and the stability of coastal states in the long term. A regional solution led by a democratic country, such as Benin, and supported by the US and international community, is one of the best way to deal with this threat. However the implementation of this requires a comprehensive strategic approach through the promotion of regional leadership, maritime security and law enforcement and building partnership capacity.

The US Department of Defense and the Benin Minister of Defense can improve their partnership through an MOU to address new pernicious and opportunistic threats, such as piracy, which endanger Benin's national economy. The Cameroonian Minister Delegate of the Presidency in charge of Defence, Mebe Ngo'o Edgard Alain, said that "maritime security is a prerequisite for attracting investment, promoting trade and continuing economic development, these guarantee an improved quality of life for our citizens."⁸¹ Benin should take a leadership role in counter-piracy operations and effective partnership building capacity via the GGC, in Africa, and with states outside of

Africa, to protect the maritime environment and ensure the viability and survival of Benin's nation and its economy.

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